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Paper No. 43

MERCHANT & GOULD PC
PO BOX 2903
MINNEAPOLIS MN 55402-0903

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SEP 08 2003

OFFICE OF PETITIONS

In re Application of
Yoshimura, et al.
Application No. 07/330,446
Filed: March 30, 1989
Attorney Docket No. 1173145P

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DECISION ON PETITION

This is a decision on paper titled "Request for Remailing of Office Action", filed March 22, 2002, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

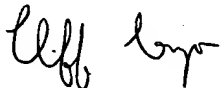
The above-identified application became abandoned for failure to timely file a proper response to the final Office action, mailed September 28, 2000, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 29, 2000. A Notice of Abandonment was mailed on May 8, 2001.

Petitioner argues that the September 28, 2000 Office action was mailed to the incorrect address. The application file reveals that a Revocation and Power of Attorney was filed with a Certificate of Mailing on June 19, 1997. In addition, a Change of Correspondence Address was filed on August 28, 2000, directing the Office to forward correspondence to Merchant & Gould at P.O. Box 2903, Minneapolis, MN 55402-2903. However, the Change of Correspondence Address was not entered and the September 28, 2000 Office action was mailed to a prior address of record.

In view thereof, the holding of abandonment is withdrawn.

The application file is being forwarded to Technology Center 1600 for remailing of the September 28, 2000 Office action, setting a new period for reply.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions